

## **City of Northampton Board of Health Septic Regulations**

### **1. Authority:**

These regulations are enacted by the Board of Health under the authority which includes but is not limited to one or more of the following: Massachusetts General Law Chapter 21A, section 13; Chapter 111, sections 31, 122; 310 CMR 11.02 (Title 1), and 310 CMR 15.000 (Title 5).

### **2. Purpose:**

These Regulations of the Board of Health are enacted for the purpose of protection of the health, safety and welfare of the citizens of the City and also for the protection of the environment. Title V is a minimum code and the Board finds that Title V is vague in certain specifications and silent on other topics. Accordingly, local Board of Health finds that local regulations are necessary to assure more complete protection of the citizens of the City from sewage overflow to the ground surface, which is a source of filth and disease, and to assure more complete protection from potential pollution of ground water, wells, surface waters, wetland complexes, and certain geologic and water-bearing deposits.

### **3. Relationship to 310 CMR 15.00, Title V of the Environmental Code:**

These regulations must be read together with 310 CMR 15.000 (Title V), which contains many other provisions and requirements relevant to onsite sewage disposal systems. The provisions of Title V shall govern, except where more stringent standards are set by these regulations. A request for a variance to any section of these regulations shall follow the process and standards of review as outlined in 310 CMR 15.400.

### **4. Effluent Filters:**

A septic tank outlet filter approved by DEP shall be installed on all new septic tanks whether for new construction or upgrade of an existing system. If an existing tank is to be used in a repaired system, an effluent filter shall be installed or retrofitted, and if tank access and construction do not allow, a separate effluent filter chamber shall be utilized in the treatment train.

### **5. System Access for Inspection, Maintenance, and Repair:**

Septic tanks, tight tanks, grease traps, pump chambers, or distribution boxes shall be provided with accesses to within 6 inches or less of finished grade. All soil absorption systems shall have a minimum of one (1) inspection port consisting of a vertical 4" diameter perforated pipe extending from the bottom of the system to within 3 inches of finished grade, with a screw type cap. All system components, including the inspection port, shall be marked with magnetic marking tape or a comparable means in order to locate them once buried. All access and inspection ports shall be shown on the as-built plan, with recoverable ties.

### **6. Title V Inspection:**

- A. Title V system inspections under 310 CMR 15.301 shall be witnessed by a member of the Board of Health or its agent. If inspection shows distribution box outlets not to be level, corrective action shall be taken immediately by installation of "speed levelers" or other measures as approved by the Board of Health witness. The Board of Health shall collect a \$150.00 fee, in the form of a check or money order and an application 10 days prior to the scheduled witnessing of the inspection, in accordance with its most recently adopted fee schedule.

- B. The septic tank must not be pumped within 14 days prior to the Title V Inspection
- C. Dwellings or systems subject to inspection under 310 CMR 15.301 that are not currently occupied or have not been receiving normal flows, whereas the facility is vacant or a seasonal use facility (vacant for 6 months or more), prior to the inspection shall be identified as "Needs Further Evaluation by the Local Approving Authority" on the Inspection Certification. Such "dormant" systems shall not be certified as a "Pass" until approximately 6-months of normal flows have been passing through the system, and the system has been subjected to a re-inspection. The Board of Health shall then make a determination based upon the results of the initial inspection and the subsequent re-inspection. This requirement shall not conflict with the requirements of 15.301(1).
- D. The Board of Health shall not sign-off on any Building Permit application subject to the requirements of 15.301(5) until the proper system inspection report has been submitted to the Board for review. This includes any change in the type of establishment, increase in design flow (calculated or actual), or any expansion of use of the facility served for which a building permit or occupancy permit from the local building inspector is required.
- E. Title V Inspection is required when a change or expansion of use (increase to flow) is proposed. A local upgrade is not required if the existing system can handle the proposed flow.
- F. Shared systems (2 or more properties) that serve more than 1 dwelling must be inspected every three (3) years.

**7. System Components:**

For new construction, all system components for an on-lot treatment and disposal system shall be located on the same lot served by the system, which shall be the same lot that generates the sewage effluent.

**8. Location of System Components:**

The Board of Health shall not sign-off on a building permit that includes the creation of one or more additional bedrooms within the dwelling, any addition to the building footprint, or excavation of the exterior yard areas adjacent to the dwelling until the Board or its designated agent has been satisfied that the system is properly sized for the projected flows and that all system components have been located and field identified to preclude damage or encroachment during any construction activities.

Buildings and surfaces such as concrete, asphalt, or gravel shall not be constructed over the disposal system components unless approved by the Board of Health.

**9. Application for Witnessing Title V Inspection:**

Application, fee and supported documents must be submitted ten days prior to requested inspection date.

**10. Fees:**

The Board of Health may assess for permits, licenses, inspections, and oversight services issued or performed by the Board or its representatives in the execution of its responsibilities. A schedule of fees shall be maintained by the Board of Health and may be amended from time to time by vote of the Board at a regularly called meeting.

**11. Severability:**

If any section, paragraph, sentence, clause or phrase of these regulations shall be deemed invalid by a court of competent jurisdiction, such decision shall not affect the remaining provisions of these regulations, which shall remain in full force and effect and, to this end, the provisions of these regulations are hereby declared to be severable.

**12. Enforcement:**



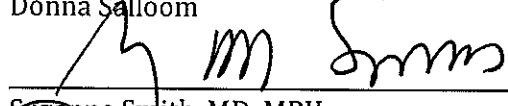
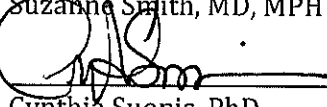
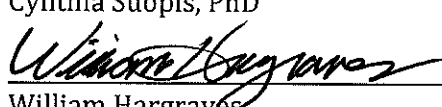
This regulation shall be enforced by the Board of Health and/or its designated agent(s).. Any person who shall fail to comply with this regulation or any order issued pursuant to the provisions of this regulation, shall upon conviction be fined not less than \$10 nor more than \$1000 for each offence or violation. Each day any violation exists shall be deemed a separate offense. Each day's failure to comply with an order shall constitute a separate violation.

**13. Variance:**

The board may, after a public hearing, grant a variance to the application of these regulations when, in its opinion, the enforcement thereof would do manifest injustice, and the applicant has demonstrated that the equivalent degree of protection will still be provided to the citizens and environment.

August 1, 2017  
Effective Date: August 1, 2017

Northampton Board of Health

  
Joanne Levin, MD Chair  
  
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William Hargraves

July 20, 2017  
Date